

**REMARKS**

Regarding election of species, Applicants hereby make the following election with traverse: a) a consumable film containing nitroglycerin, water soluble polymer and a pharmaceutical agent; and b) the pharmaceutical agent is anti-hypertension and cardiovascular treatment agents. Such elections read on claims 18-19 and 36.

Applicants respectfully submit that claim 18 is a genus claim linking the species of pharmaceutical agents of claims 19-50. *See MPEP § 809.* Applicants submit that, should linking claim 18 be allowed, the nonelected inventions which depend from the linking claim "be rejoined and . . . fully examined for patentability." MPEP § 809.

Applicants further traverse the Restriction Requirement on the basis that under MPEP § 803: "If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions." In order for an Election to Species to be proper, the examiner is required to show "there is a patentable difference between the species as claimed and there would be a serious burden on the examiner if restriction is not required." MPEP § 808.01(a). Applicants respectfully submit that searching these inventions together will pose no additional burden on the Examiner. In light of the foregoing, Applicants respectfully request reconsideration and withdrawal of the present election of species requirements.

Applicants have properly and fully addressed the Examiner's Election of Species. Applicants reserve the right to file divisional applications directed to the subject matter of the non-elected claims. If the Examiner has any questions or believes further discussion will aid examination and advance prosecution of the application, a telephone call to the undersigned is invited.

If there are any additional fees due in connection with the filing of this amendment, please charge the fees to undersigned's Deposit Account No. 50-1067. If any extensions or fees are not accounted for, such extension is requested and the associated fee should be charged to our deposit account.

Respectfully submitted,

**/djpelto Reg. No. 33754/**

**March 4, 2010**

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